

**UNITED STATES BANKRUPTCY COURT**  
**MIDDLE DISTRICT OF FLORIDA**  
**FORT MYERS DIVISION**  
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In re:

Case No. 9:17-bk-10382-FMD  
Chapter 13

Justin Paul Fielding

Debtor.

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**TRUSTEE'S MOTION TO RE-CONVERT CASE FOR  
FAILURE TO COMPLY WITH ORDER CONFIRMING PLAN**

**A preliminary hearing in this case will be held telephonically on November 12, 2020 at 2:15 pm before the Honorable Caryl E. Delano, United States Bankruptcy Judge. Parties should arrange a telephonic appearance through Court call at the following number 866-582-6878.**

COMES NOW, JON M. WAAGE, the Chapter 13 Standing Trustee, hereby moves for the entry of an Order Re-Converting this case to a Chapter 7 and in support thereof would state as follows:

1. The Debtor's conversion under Chapter 13 of the Bankruptcy Code was filed on July 11, 2018.
2. On February 13, 2019 the Court entered an Order Confirming Debtor's Plan. The Order Confirming Plan provided in part that the Debtors must commit all tax returns and refunds to the Plan each year during the applicable plan period beginning with tax year 2018.
3. It appears as though the Debtor has failed to comply with the Order Confirming Plan to provide his 2019 federal income tax return and any refund he might have received. **Failure to turn over the return and any refund may result in a dismissal of your case for failure to comply with the Court Order.**

WHEREFORE, the Trustee respectfully requests that the Court enter an Order Re-Converting Case, without prejudice, together with such other and further relief as the Court deems just and proper.

/s/ Jon M. Waage  
Jon M. Waage  
Chapter 13 Standing Trustee  
Post Office Box 25001

Bradenton, Florida 34206-5001  
Phone: (941) 747-4644  
Fax: (941) 750-9266

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Trustee's Motion to Re-Convert was furnished electronically by CM/ECF services and/or by U.S. Mail to **Justin P. Fielding**, Debtor, 17025 S. Golfside Circle, Apt. 302, Fort Myers, FL 33908 and **Allan T. Griffith, Esquire**, Attorney for Debtor, 2100 McGregor Blvd., Ft. Myers, FL 33901-3418 this 22<sup>nd</sup> day of October 2020.

/s/ Jon M. Waage  
Jon M. Waage

JMW/sn